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10/642,704

08/18/2003

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EXAMINER

DUONG, FRANK

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/642,704 | <b>Applicant(s)</b><br>HWANG ET AL. |  |
|                              | <b>Examiner</b><br>Frank Duong       | <b>Art Unit</b><br>2616             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is a response to communications dated 01/03/08. Claims 1-18 are pending in the application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As group claims 1-2, there is no support for the newly added limitations of “*when the second RNC .... setup of the packet service,*” as recited in the amended base claim 1, in the original specification to set forth method steps in a manner as claimed. In addition, there is no support for the claimed limitation of “*transmitting by the second RNC through the lu interface the packet service data to the UE,*” in the amended base claim 1. It appears that the Applicants, for some peculiar reasons, misunderstand that the lu interface is the interface between the RNC and the UE. It is not. The lu interface is the interface between the SGSN and the RNC, not between the RNC and the UE.

As group claims 3-9, there is no support for the newly added limitations of “*sending to a Serving General ... cannot provide the packet service,*” as recited in the amended base claim 3, in the original specification to set forth method steps in a manner as claimed. In addition, there is no support for the claimed limitation of “*transmitting through the lu interface the packet service data to the UE,*” in the amended base claim 3 for the same rationales discussed above.

As group claim 10, there is no support for the newly added limitations of “*sending by the second RNC to a Serving General ... cannot provide the packet service,*” as recited in the amended claim 10, in the original specification to set forth method steps in a manner as claimed. In addition, there is no support for the claimed limitation of “*transmitting through the lu interface the packet service data to the UE,*” in the amended claim 10 for the same rationales discussed above.

As group claims 11-17, there is no support for the newly added limitations of “*sending to a Serving General ... cannot provide the packet service,*” as recited in the amended base claim 11, in the original specification to set forth method steps in a manner as claimed. In addition, there is no support for the claimed limitation of “*transmitting by the second RNC through the lu interface the packet service data to the UE,*” in the amended base claim 11 for the same rationales discussed above.

As group claim 18, there is no support for the newly added limitations of “*sending by the second RNC to a Serving General ... cannot provide the packet service,*” as recited in the amended claim 18, in the original specification to set forth method steps in a manner as claimed. In addition, there is no support for the claimed limitation of

*“transmitting through the lu interface the packet service data to the UE,”* in the amended claim 18 for the same rationales discussed above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: setting up steps of the lu interface prior to the packet service data being received or transmitted through it as describe in the original specification, on page 23, second paragraph. Omission such essential steps does indeed amounting to a gap between the method steps. As a result, the amended claims 1-18 are deemed to be indefinite.

*(Note: Due to the above problems, there is no art applied to determine the allowability of the claims. Should the Applicants, in a response to this Office Action, amend the claims to remove the aforementioned limitations resulting the above problems, the rejection per Office Action dated 10/16/07 is applied)*

### ***Response to Arguments***

4. Applicant's arguments filed 01/03/08 have been fully considered but they are not persuasive because they direct to limitations not support by the original specification as discussed above.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TS 25.420 V1.0.1, UTRAN Iur Interface: General Aspects and Principles, pages 1-30, 1999.

TS 25.415 V3.1.0, UTRAN Iu Interface User Plane Protocols, pages 1-54, 2000.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank Duong/  
Primary Examiner, Art Unit 2616  
March 18, 2008